REMARKS

The Examiner's action of March 22, 2006 is noted in which the majority of the case is rejected under 35 USC 112 first paragraph as either lacking utility because the claimed case relies on phenomena that are not proven or are contrary to the understanding of physics, or that one skilled in the art could not practice the invention.

35 USC 112

Applicant strongly disagrees with the Examiner as to the failings of the patent application in terms of 35 USC 112. Applicant has submitted an affidavit in the form of a Rule 132 Declaration unequivocally stating the results that Applicant has obtained and the manner in which they were obtained.

Regardless of the explanation of the phenomena, it is black letter law that an inventor need not know why his invention works, only that it works.

The Examiner cannot reject the present claims, even if based on spurious theory, if in fact it is demonstrated that (a) new elements are achieved and (b) that energy is released.

The first question that anybody knowledgeable in this area of room temperature fusion asks about is the presence of radiation. As the Examiner is undoubtedly aware, tungsten does not radiate naturally and is stable. However, the presence of radiation during the experiment was consistently detected every time the experiment was run.

Thus the threshold question of whether or not something had occurred at room temperature is unequivocally demonstrated by the presence of radiation during the experiment.

Additionally and most importantly, Figure 1 demonstrates the presence of radiation due to the peaks indicated in the graphs, specifically, gamma ray release due to element production.

Moreover, as shown in Figure 9(b), photographic paper was wrapped around the experiment and the presence of radiation is indicated by the marks on the photographic paper.

The Examiner is apparently questioning the fact whether anything occurred at all and the presence of radiation belies this contention.

The second question then becomes, what did happen in these experiments? What happened is documented in the Figures 1-5 results, both in terms of the production of elements having the indicated melting points and in terms of radiation detected by radiation detectors.

The Examiner also makes some statements that are incorrect with respect to what one would understand in terms of the apparatus involved. The inventor has clearly stated the 2000-Gauss magnetic field required and has clearly stated that a 2-Hz electromagnetic field was to be applied to an antenna in the form of a wire inserted into a Pyrex test tube. How 2 Hz is generated is not important because 2-Hz generators are commonplace in terms of signal generating apparatus. Note that the production of periodic electromagnetic energy in a wire may simply be supplied by a function generator.

The Examiner also seems to have some problem with where the extra mass is coming from between a proton when it decays or transforms to a neutron. The Examiner is apparently confused between the classical decay when an atom breaks apart during fission and the transformation process that is going on here that does not involve fission. Here the decay or transformation of a proton to a neutron has been thoroughly postulated as indicated in the articles.

More particularly, while the Examiner is classically correct in saying that a proton will not naturally decay to a neutron, D. Muller in his article himself states that such a reaction can occur. He says that the extra energy involved comes from "acceleration."

More particularly in terms of the third process he describes on page 56 of his paper entitled, "Decay of Accelerated Particles" in the Physical Review D Volume 56, No. 2, July 15, 1997, he says that:

> "The third process, proton decay, is forbidden without acceleration. It can be regarded as the inverse of neutron decay. Here the decay products are heavier than the original decaying particle. Obviously, the missing energy must be supplied by the accelerating device."

Thus hypothetically if one were to accelerate a proton, the proton could gain energy via the acceleration.

The energy in the subject case is introduced by the 2-Hz field, assuming proton alignment produced by the magnetic field. In the subject experiment, the "extra" energy is gained from the 2-Hz waveform or quanta.

Thus, while the Examiner has stated that in classical theory natural decay cannot happen, we have at least one instance in the Muller reference of proton acceleration donating the added energy, whereas in the subject case the 2-Hz field provides the added energy.

Note from the enclosed Rule 132 Declaration, the shape of the 2-Hz waveform is not critical. In the 300-some different experiments by the inventor, both square waves and sinusoidal waves were used, with the creation of new elements and energy resulting regardless of the waveform used.

In summary, the Applicant has amended the claims to provide the clarity necessary under 35 USC 112 second paragraph.

In view of the uncontroverted findings that have been both specified in the Application as filed and also verified by many tests thereafter, it is Applicant's contention that (a) there is a sufficient teaching in the subject Application to allow one skilled in the art to practice the invention; and that (2) one can patent a process involving formation of elements, with the elements having been positively identified as having existed after the subjection of the tungsten to the subject process.

It is also very clear that in all of the 300 or so experiments, there were no free neutrons around to enable the creation of the new elements other than those neutrons that were developed in the subject process.

As the Examiner undoubtedly knows, free neutrons do not exist in nature for any long period of time. Thus they could not have been present in the subject experiment absent their production in the subject experiment itself.

35 USC 102

The Examiner has also rejected Claims 1-8 and 10-13 as being anticipated by the Boettner et al. reference. However, absolutely nowhere in this reference is shown or taught a method for production of energy. Absolutely nowhere is shown or taught placing nuclei having protons in a magnetic field of at least 2000 Gauss. Secondly, nowhere is shown or taught subjecting nuclei to a low-frequency periodic electromagnetic signal from an antenna.

From Figure 2 of this reference is clear that the permanent magnets used for voice coils are nowhere near powerful enough to provide the required magnetic field at certain nuclei.

Moreover, nowhere is a 2-Hz electromagnetic signal coupled to any antenna.

Thirdly, even if it could be said that the objective lens is positioned between two permanent magnets, it is in no way clear how there is any electromagnetic signal placed adjacent the nuclei.

The Boettner et al. patent simply does not cover, teach or otherwise describe the claimed invention.

Note that an information disclosure statement is enclosed herewith.

Allowance of the claims and issuance of the case is therefore earnestly solicited.

Respectfully submitted,

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